District Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAN POYA, Petitioner, v. PAMELA BONDI, *et al.*,[1] Respondents.	Case No. 2:25-cv-02576-JLR FEDERAL RESPONDENTS' RETURN Noted for Consideration: January 5, 2026

I. INTRODUCTION

This Court should deny Petitioner Aman Poya's Petition for Writ of Habeas Corpus. Dkt. No. 2 ("Pet."). U.S. Immigration and Customs Enforcement ("ICE") mandatorily detained Petitioner pursuant to 8 U.S.C. § 1225(b) because an expedited removal order has been issued. Further, release is not appropriate because the declaration of Deportation Officer Karl Douglas reasonably demonstrates that Poya can be removed within the reasonably foreseeable future. Thus, his detention will end at the time of his removal.

[1] Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

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Accordingly, Federal Respondents respectfully request the Court deny the Petition. This return is supported by the pleadings and documents on file in this case, the Declaration of Deportation Officer Karl Douglas ("Douglas Decl.") and the Declaration of Jennifer Wong ("Wong Decl."), with accompanying exhibits. Federal Respondents do not believe an evidentiary hearing is necessary.

II. FACTUAL BACKGROUND

Petitioner is a native and citizen of Afghanistan who entered the United States without inspection or admission after crossing the border near Nogales, Arizona on December 30, 2024. Douglas Decl. ¶¶ 4-5; Wong Decl. at Ex. 1 (Form I-213). U.S. Customs and Border Patrol ("CBP") took Petitioner into custody and placed him in Expedited Removal Proceedings. Douglas Decl. ¶ 5. He was charged under 8 U.S.C. § 1182(a)(7)(A)(i)(I). Douglas Decl. ¶ 5; Wong Decl. at Ex. 2 (Notice and Order of Expedited Removal).

On January 10, 2025, Petitioner claimed fear of return to Afghanistan, and a Credible Fear Referral package was submitted to United States Citizenship and Immigration Services ("USCIS") on the same day. Douglas Decl. ¶ 6. USCIS conducted Petitioner's Credible Fear Interview on January 22, 2025, and determined that he did not establish a credible fear of persecution or torture. *Id.* ¶¶ 7-8.

Petitioner requested an Immigration Judge ("IJ") review his negative credible fear finding on March 1, 2025. Douglas Decl. ¶ 9; Wong Decl. at Ex. 3 (Notice of Referral to Immigration Judge). The IJ affirmed USCIS' negative credible fear determination and returned the case to DHS for removal of the Petitioner on March 6, 2025. Douglas Decl. ¶ 10; Wong Decl. at Ex. 4 (Order of the IJ).

On September 12, 2025, a request for an Afghan Transportation letter required for removal was sent to the United States Embassy in Doha, Qatar for delivery to the Afghan Embassy.

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Douglas Decl. ¶ 11. On October 4, 2025, Petitioner was transferred into the Northwest ICE Processing Center ("NWIPC"). *Id.* ¶ 12. On October 16, 2025, ICE completed pre-removal records checks. *Id.* ¶ 13. On October 21, 2025, ICE completed a Certificate of Identity for Petitioner to facilitate transportation to Afghanistan. *Id.* ¶ 14. Removal of Petitioner was pending issuance of a travel letter from the Afghani government on October 31, 2025. *Id.* ¶ 15. Petitioner's file contains a Passport issued by the Islamic Republic of Afghanistan, issued on June 11, 2018, that expired on June 11, 2023, then extended and valid until June 11, 2028. *Id.* ¶ 16.

ICE is not currently seeking to remove Petitioner to any country other than Afghanistan. *Id.* ¶ 17. Once a travel letter from the Afghani government is issued, it is expected Petitioner would be removed from the United States shortly thereafter. *Id.* ¶ 18.

III. JURISDICTION AND STANDARD OF REVIEW

It is axiomatic that "[t]he district courts of the United States . . . are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute." *Exxon Mobil Corp. v. Allopath Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). "[T]he scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present day." *Department of Homeland Security v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020).

Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. To warrant a grant of writ of habeas corpus, the burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws, or treatises of the United States. *See* 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004); *Snook v. Wood*, 89 F.3d 605, 609 (9th Cir. 1996).

IV. ARGUMENT

A. Poya is lawfully detained pursuant to 8 U.S.C. § 1225(b).

Poya's detention prior to his removal is statutorily mandated. An inadmissible arriving

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noncitizen seeking initial entry into the United States without legal status, like Poya, is subject to expedited removal proceedings under the procedures set forth in 8 U.S.C. § 1225(b)(1). A noncitizen who is subject to 8 U.S.C. § 1225(b)(1) proceedings shall be ordered removed without further hearing or review unless he or she indicates an intent to apply for asylum or expresses a fear of persecution. 8 U.S.C. § 1225(b)(1)(A)(i). Here, Poya expressed a fear of return to Afghanistan. Douglas Decl. ¶ 6. Accordingly, an asylum officer interviewed him. *Id.* ¶ 7; 8 U.S.C. §§ 1225(b)(1)(A)(ii), (b)(1)(B)(i).

The asylum officer determined that Poya did not have a credible fear of persecution or torture. Douglas Decl. ¶ 8; 8 U.S.C. § 1225(b)(1)(B)(iii). At Poya's request, an IJ reviewed and affirmed these findings. Douglas Decl. ¶¶ 9, 10; 8 U.S.C. § 1225(b)(1)(B)(iii)(III). Therefore, Poya must be detained until his removal. 8 U.S.C. § 1225(b)(1)(B)(iii)(IV).

The Supreme Court has considered whether 8 U.S.C. § 1225(b) imposes a time-limit on the length of detention and whether such noncitizens detained under this statutory authority have a statutory right to a bond hearing. *See Jennings v. Rodriguez*, 583 U.S. 281, 296-303 (2018). The Supreme Court held that "nothing in the statutory text [of 8 U.S.C. § 1225(b)] imposes any limit on the length of detention" nor "says anything whatsoever about bond hearings." *Id.* at 842. The Supreme Court proceeded to add that the *sole* means of release for noncitizens detained pursuant to 8 U.S.C. § 1225(b) is temporary parole *at the discretion of the Attorney Genera*l under 8 U.S.C. § 1182(d)(5). *Id.* at 844 ("That express exception to detention implies that there are no other circumstances under which [noncitizens] detained under [8 U.S.C.] § 1225(b) may be released.").

The Supreme Court's holding on this topic was reinforced most recently in *Thuraissigiam*, 140 S. Ct. at 1963-64, a habeas action involving a noncitizen, like Poya, seeking initial entry to the United States and detained under 8 U.S.C. § 1225(b). Therein, the Supreme Court "reiterated th[e] important rule" that a noncitizen seeking initial entry to the United States "has no

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entitlement" to *any* legal rights, constitutional or otherwise, other than those expressly provided by statute. *Id.* at 1982; *see also id.* at 1963-64 ("Congress is entitled to set the conditions for an alien's lawful entry into this country and [] as a result [] an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause."); *id.* at 1964 (holding that a noncitizen seeking initial entry "has no entitlement to procedural rights other than those afforded by statute").

In this case, the interpretation of the statutory authority which Poya is detained under does not provide for release as requested in this Petition. *See Jennings*, 583 U.S. at 296-303. As the detention authority does not afford Poya a right to release, the Court should thereby reject his habeas claim and dismiss the Petition in its entirety.

B. Poya's detention is not indefinite.

Poya cannot state a claim that his continued detention has become "indefinite." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Deportation Officer Douglas anticipates that Poya can be removed within the reasonably foreseeable future. For example, ICE has completed pre-removal checks and a Certificate of Identity to facilitate Petitioner's transportation to Afghanistan, a travel letter for Petitioner from the Afghani government has been pending since October 31, 2025, and Petitioner's passport, issued by the Islamic Republic of Afghanistan, is valid until June 11, 2028. Douglas Decl. ¶¶ 13-16. Once a travel letter from the Afghani government is issued, it is expected that Petitioner would be removed from the United States shortly after. *Id.* ¶ 18.

Further, Petitioner's continued detention pending removal has not become unreasonable pursuant to *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1116 (W.D. Wash. 2019). In *Banda*, the district court found that the petitioner's 17-month immigration detention pursuant to 8 U.S.C. § 1225(b) had become unreasonable. *Id.* at 1117-21. To conduct this analysis, the court analyzed six factors: (1) length of detention; (2) how long detention is likely to continue absent judicial

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intervention; (3) conditions of detention; (4) the nature and extent of any delays in the removal caused by the petitioner; (5) the nature and extent of any delays caused by the government; and (6) the likelihood that the final proceedings will culminate in a final order of removal. *See id.* An analysis of these factors demonstrates that Poya's detention, while prolonged, has not become unreasonable.

First, Poya's approximate one-year detention should not favor granting him release. His length of detention is reasonable because the process of his expedited removal has moved forward without any delay, such as his credible fear referral, interview, determination, and affirmation from an IJ. Since Petitioner was taken into custody on December 30, 2024, he was referred to USCIS for a determination of credible fear on January 10, 2025, provided a credible fear interview on January 22, 2025, and given a negative credible fear determination by USCIS on February 2, 2025. Douglas Decl. ¶¶ 6-8. An IJ request to review his negative credible fear finding was submitted on March 1, 2025, and he was provided a decision by the IJ affirming USCIS' negative credible fear determination on March 6, 2025. *Id.* ¶¶ 9-10. A request for an Afghan Transportation letter for Petitioner was sent to the United States Embassy in Doha, Qatar for delivery to the Afghan Embassy on September 12, 2025, pre-removal records checks were completed for Petitioner on October 16, 2025, a Certificate of Identity for Petitioner to facilitate transportation to Afghanistan was completed on October 21, 2025, and the issuance of a travel letter from the Afghani government has been pending since October 31, 2025. *Id.* ¶¶ 11-16. The first factor should be neutral at worst.

Second, Petitioner's detention is unlikely to continue for a prolonged amount of time. ICE has taken steps to facilitate the expedited removal process, having completed pre-removal checks and a Certificate of Identity to facilitate transportation to Afghanistan, and once a travel letter from the Afghani government is issued, it is expected that Petitioner would be removed from the

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United States shortly after. *Id.* ¶¶ 13, 14, 18. While a specific date of removal has not been set, this factor should favor Federal Respondents, as the administrative process has been completed.

Third, Petitioner is detained at the NWIPC in Tacoma, Washington. *Id.* ¶ 12.

Fourth, the facts do not indicate that Poya intentionally delayed the expedited removal process. Thus, at worst, this factor should be neutral.

Fifth, the facts do not support any intentional delays on the part of the Government. While in the process of obtaining a travel document from Afghanistan is taking some time, there is no showing that these delays were intentional on the part of Federal Respondents. Thus, at worst, this factor should be neutral.

The last factor heavily weighs in favor of the Government. This factor requires the district court to consider the likelihood that the final proceedings will culminate in a final order of removal. *Banda*, 385 F. Supp. 3d at 1120. This is a straightforward answer as Poya is subject to a final expedited order of removal.

With his removal pending, the government has significant legitimate interests in Poya's continued detention to ensure that he will appear for removal. Congress has mandated the detention of noncitizens, like Poya, until their removal. 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). Under these circumstances, Poya's release is not warranted. Accordingly, this Court should deny Poya's request for relief.

C. Poya lacks standing to pursue claims based on speculative removal to a third country, and his claim is speculative and not ripe for review.

Poya purports to bring claims challenging the constitutionality of his possible removal to a third country as a likely violation of the Fifth Amendment, 8 U.S.C. § 1231, the Eighth Amendment, the Convention Against Torture, the INA, the APA, and relevant implementing regulations. Pet. at 17-19. Such claims are based on the hypothetical scenario of his removal to a

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third country other than Afghanistan, which are entirely speculative and not ripe for review. ICE is not currently seeking to remove Poya to a third country other than Afghanistan. Douglas Decl. ¶ 17. Once a travel letter from the Afghani government is issued, it is expected that Petitioner will be removed from the United States shortly after. *Id.* ¶ 18. There is no case or controversy because there is no concrete indication that removal to any third country will occur.

Further, such claims are not the proper subject of an immigration habeas petition, considering that Petitioner presents no evidence that Federal Respondents seek to remove him to a third country. *See Tran v. Bondi*, No. 25-cv-01897-JLR, 2025 WL 3140462, at *4 (W.D. Wash. Nov. 10, 2025) (citing *Zadvydas*, 533 U.S. at 688). ICE has completed a Certificate of Identity for Petitioner to facilitate transportation to Afghanistan. Douglas Decl. ¶ 14. ICE does not have the intention of seeking Petitioner's removal to any other country other than Afghanistan. *Id.* ¶ 18. Therefore, Petitioner's claims are speculative and not part of a live controversy because there is no concrete indication that removal to a third country will occur. Thus, these claims should be dismissed as premature.

IV. CONCLUSION

For the foregoing reasons, Federal Respondents respectfully request that this Court deny the Petition and dismiss this matter. This Court should not order that he be released.

DATED this 31st day of December, 2025.

Respectfully submitted,

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I certify that this memorandum contains 2,286 words, in compliance with the Local Civil Rules.